IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 22560 of 2006
With
SPECIAL CIVIL APPLICATION No. 22561 of 2006
To
SPECIAL CIVIL APPLICATION No. 22564 of 2006
With
SPECIAL CIVIL APPLICATION No. 22565 of 2006
To
SPECIAL CIVIL APPLICATION No. 22570 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge?

==========

ANKLAV COOP.TALKA PURCHASE & SALE UNION LTD. & 4 - Petitioner(s)
Versus
STATE OF GUJARAT & 5 - Respondent(s)

==========

Appearance :
MR PS CHAMPANERI for Petitioner(s) : 1 - 5.
MR DA DESAI, AGP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 2.
None for Respondent(s) : 3,
DS AFF.NOT FILED (N) for Respondent(s) : 4,
MR DILIP B RANA for Respondent(s) : 5 - 6.

==========

CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 04/12/2006

COMMON ORAL JUDGMENT

1. Rule. Mr. Desai, learned AGP waives service of rule for State Authorities and Mr. Rana for the original revisioning petitioners

2. The petitioners in these petitions have challenged the order passed by the State Government, whereby the resolution of the Market Committee for grant of license to the petitioners and others are set aside.

3. Upon hearing the learned counsel appearing for both the sides, it appears that there is no dispute on the point that before the State Government, though the petitioners in whose favour, the decision was taken by the Market Committee for grant of licenses, were not joined and consequently not heard, though they were to be directly affected by the outcome of the proceedings. Mr. Desai, learned AGP is not in a position to show any reason for depriving the petitioners to be heard when they were the beneficiaries of the resolution of the Market Committee.

4. Under these circumstances, the orders passed by the State Government qua cancellation of the

resolution of the Market Committee to the extent of granting licenses to the petitioners deserves to be quashed and set aside on the ground of principles of natural justice. Hence, they are hereby quashed and set aside with the further direction that the revision shall stand restored to the file of the State Government and the State Government shall give opportunity of hearing to the concerned petitioners and also to the other parties to the proceedings including the revisioning petitioners and after giving opportunity of hearing, appropriate decision in accordance with law shall be passed by the State Government as early as possible, preferably within a period of six months from the date of the receipt of the order of this Court.

5. It is clarified that the present order shall not prejudice the rights of the either side in the event the election proceedings are challenged before the appropriate forum and the authority shall be at the liberty to take independent view of the matter.

6. Rule made absolutely accordingly. Considering the facts and circumstances of the case, there shall be no order as to costs.

(JAYANT PATEL, J.)

*bjoy